

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

EUGENE MCCROSSEN,

Plaintiff,

v.

ALTERNA MASSAGE & TANNING,

Defendant.

CIVIL ACTION NO. 3:05-CV-1489

(JUDGE CAPUTO)

**MEMORANDUM ORDER**

Plaintiff Eugene McCrossen filed the present action to require Alterna Massage & Tanning to comply with the accessibility requirements of the Americans with Disabilities Act. (Doc. 1.) Simultaneously, Plaintiff filed an application to proceed *in forma pauperis*. (Doc. 2.) The Court has discretion to grant *in forma pauperis* status. *Goldstein v. Timoney*, No. 01-481, 2001 WL 179868 at \*1 (E.D. Pa. Feb. 20, 2001). "Poverty sufficient to qualify for *in forma pauperis* status does not require penniless destitution." *Id.* (alterations omitted) (citing *Ward v. Werner*, 61 F.R.D. 639, 640 (M.D. Pa. 1974)). "[T]here exists no fixed net worth which disqualifies a party as a pauper." *Id.*

Plaintiff submits an affidavit indicating that he is presently not employed and receiving \$874 per month in Social Security Disability Income. (Doc. 2.) Plaintiff further indicates that he owns no car, has savings of \$10, has a balance of \$15 in his checking account, and pays rent on his residence. *Id.* I find Plaintiff is unable to pay filing fees or give security, and, as such, he qualifies for *in forma pauperis* status.

**NOW**, this 29th day of August, 2005, **IT IS HEREBY ORDERED** that:

(1) Plaintiff's application to proceed *in forma pauperis* (Doc. 2) is **GRANTED**.

- (2) The Clerk of the Court shall prepare a summons for the United States Marshals to serve with the Complaint on the Defendant named herein.

/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge